IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6446 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SAVAJI VALJI BHALODIA - Petitioner
Versus
UNITED INDIA INSURANCE & 3 - Respondents

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Appearance :
MR BH CHHATRAPATI for Petitioner : 1,
SERVED BY RPAD - (N) for Respondents : 1 - 3.
RULE SERVED for Respondent : 4,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 02/07/2007

ORAL JUDGMENT

1. Heard learned counsel for the petitioner. None for the respondents.

2. The petitioner has preferred this petition under Article 226 of the Constitution of India challenging his transfer order dated 5.8.1991.

3. This Court (Coram: S.D.Shah, J.)(as he then was) has passed the order on 29th January, 1992, which reads as under:-

> ***"Rule.***
> ***In the facts and circumstances of the case, and more particularly, in view of the affidavit-in-reply I do not think any case is made out for granting interim relief. Mr. Chhatrapati states that his client is not in position to attend duties and even today he is in hospital. He will retire from service on Ist July, 1992. He states that the petitioner shall apply for leave and shall not claim any salary for the period during which he is on leave to his credit. Petitioner is directed to apply for leave and the respondents are directed to consider such application for leave in accordance with law. Ad-interim relief granted earlier stands vacated."***

4. Taking into consideration the date of retirement of the petitioner as it is mentioned in the order dated 29th January, 1992, he would have retired by now and therefore, this matter deserves to be disposed of as having become infructuous. Shri Chhatrapati, learned counsel appearing for the petitioner at this stage makes a request that liberty be reserved to the petitioner in case of any difficulty. Mr. Chhatrapati's request is reasonable. Liberty is granted to the petitioner to approach afresh in case any cause still services. This matter is

therefore, disposed of with aforesaid liberty. Rule is discharged.

(S.R.BRAHMBHATT, J.)

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